

Federal Defenders OF NEW YORK, INC.

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May 15, 2024

Via Email and ECF

The Honorable Robert M. Levy
 United States District Court
 Eastern District of New York
 225 Cadman Plaza East
 Brooklyn, NY 11201

Re: United States v. Terrence Wise, 23-CR-9 (DG)

Dear Judge Levy,

We write to express our concern about our client, Terrence Wise, and to seek the Court's assistance. We file this letter publicly, with Mr. Wise's express authorization. It does not reveal any information presently under seal.

As Your Honor is aware, Mr. Wise has been at Brooklyn Hospital since April 29, 2024, following MDC Brooklyn's belated discovery of a mass on his chest identified in a CT scan on February 29, 2024. *See* ECF No. 24. In February, that mass was 3.6 x 2.3 x 3.6cm. *Id.* By April 29, 2024, it had grown to 6cm. *Id.* On May 3, 2024, Mr. Wise underwent a biopsy to determine the pathology of the mass. On May 8, 2024, Federal Defenders social worker Allison Berger was present for the morning rounds, when doctors advised Mr. Wise that the specimen was sent to Memorial Sloan Kettering ("MSK") Hospital for consultation. If the specimen was insufficient, he was advised that he would require a surgical thoracic biopsy.

As of today, May 15, 2024, neither Mr. Wise nor the undersigned have received any pathology results from either Brooklyn Hospital or MSK regarding his diagnosis. Despite a HIPAA release on file, Mr. Wise's continued requests that his doctors advise us of his status, and our own calls to the facility, we have not received any information on Mr. Wise's condition, or treatment plan, from the doctors there.¹ Mr. Wise has already waited a full week without any actionable information regarding a diagnosis. So that we may ascertain from an outside expert whether he is receiving appropriate care, we respectfully request an Order directing Brooklyn Hospital and MSK to produce Mr. Wise's medical records to date, and to provide an update to the Court as to his current medical status.

¹ We appreciate the updates we have received from the government, by way of MDC's medical and legal staff, by way of the hospital. Unfortunately, these third-hand updates have been cursory, and essentially repeat the same information we've learned from our client: that he is still waiting for a diagnosis and treatment plan.

Mr. Wise's motion to unseal ECF entries 26 and 27 remains pending. We continue to seek an evidentiary hearing and the other relief request in ECF No. 27.

Finally, we note that Mr. Wise has been at the hospital now for seventeen days, handcuffed to his bed, waiting to learn the prognosis of what is most likely lung cancer. It goes without saying that this is tremendously difficult. While he has been permitted to have calls with his loved ones, he would benefit considerably from in-person visits from his daughter and his aunt. Further, he's been forbidden from watching the in-room television due to an apparent policy of the hospital for inmate-patients (a policy that, upon personal knowledge, was not in place less than a year ago). Respectfully, an inmate-patient awaiting life-altering news should not have fewer opportunities for distraction than he did at the MDC. We therefore ask the Court to consider allowing Mr. Wise pre-scheduled family visitors and to watch television.

We are available for a hearing should the Court require additional information. Thank you for your consideration.

Respectfully Submitted,

/s/
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